Town of Sandisfield Solar Photovoltaic Installations Zoning Bylaw

A. Purpose

The purpose of this bylaw is to provide a permitting process for solar photovoltaic installations so that they may be utilized in a cost-effective, efficient, and timely manner to increase the use of distributed generation; to integrate these installations into the community in a manner that minimizes their impacts on the character of neighborhoods, on property values, and on the scenic, historic, and environmental resources of the Town; and to protect health and safety, while allowing solar photovoltaic technologies to be utilized.

B. Applicability

This section applies to solar photovoltaic installations proposed to be constructed after the effective date of this bylaw. This section also applies to material modifications that alter the type, number configuration or size of the solar voltaic installation.

C. Definitions

1. Small Scale Solar Photovoltaic Installation: Any size roof-mounted or building-mounted solar photovoltaic installation or ground-mounted photovoltaic installation that occupies less than 1/8 acre of a lot and the electricity generated is used primarily for on-site consumption.
2. Large Scale Ground-Mounted Solar Photovoltaic Installation (LGSP): A solar photovoltaic facility that is structurally mounted on the ground, occupies more than 1/8 acre of land, and the generated electricity is used primarily for off-site consumption.
3. Solar Photovoltaic Facility: A device, structure, or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of solar energy for space heating or cooling, generation of electricity, or water heating. This includes appurtenant equipment for the collection, storage and distribution of electricity to buildings or to the electric grid.

D. Small Scale Solar Photovoltaic Installation

1. A small scale photovoltaic installation may be allowed as a primary use or an accessory use.
2. A small scale photovoltaic installation may be constructed or materially modified after the issuance of a building permit by the building inspector.
3. A small scale photovoltaic installation proposed to be mounted on a building or rooftop may protrude no greater than five feet above the highest point of the roof.
4. A small scale photovoltaic installation proposed to be ground-mounted may not exceed a height of fifteen feet and must be 50 feet from any property line.
5. A small scale photovoltaic installation shall be removed by the owner within one-year of discontinued use.

E. Large Scale Solar Photovoltaic Installation

1. Use Regulations

Large scale photovoltaic installations may only be constructed or materially modified after the issuance of a special permit from the Board of Selectmen in accordance with this section and the section on "Special Permits".

2. The construction, maintenance, operation, modification and removal of the large scale solar photovoltaic installation shall comply with all applicable local, state, and federal requirements.

3. The applicant shall demonstrate legal control over the proposed site sufficient to allow for the construction and operation of the large scale solar photovoltaic installation.

4. The applicant shall demonstrate that it has received conditional approval to connect the large scale solar photovoltaic installation to the electric grid from the utility provider. Off-grid installations are exempt from this requirement.

5. The owner/operator of the large scale solar photovoltaic installation shall maintain the large scale solar photovoltaic installation and the site in good condition. This includes, but not limited to the maintenance of access roads, stormwater control measures, security measures, and vegetation screening.

6. Prior to construction, applicants seeking to construct a large scale solar photovoltaic installation shall provide a form of surety to cover the cost of removal and restoration of the site in the event the site is abandoned. The amount and form of surety shall be determined by the Board of Selectmen, but in no event shall the amount exceed one-hundred twenty-five (125%) percent of the cost of removal. Applicants shall submit a fully inclusive cost estimate, which accounts for inflation, of the costs associated with the removal of the large scale solar photovoltaic installation prepared by a qualified engineer. Said cost estimate shall be reviewed by the applicant, or their successor, every 5 years from the date of the final installation and adjusted as necessary. This updated cost estimate shall be transmitted to the Board of Selectmen.

7. Design Guidelines.

a) Height. Large scale solar photovoltaic installations shall not exceed fifteen feet (15') in height.
b) Setbacks. Large scale solar photovoltaic installations shall at least 50' from any property line.
c) Lighting. No lighting of the solar photovoltaic installation is permitted, except for manually operated emergency lights for use only when operating personnel are on site.
d) Screening. The large scale solar photovoltaic installations shall be screened year round with dense native vegetation from all adjoining properties and public and private ways.

e) Vegetation Clearing. The clearing of vegetation shall be limited to that which is necessary for the construction, operation, maintenance, modification and removal of the large scale solar photovoltaic installation.
f) Habitat Fragmentation. All large scale solar photovoltaic installations shall to the fullest extent practicable be clustered and located in or adjacent to areas of the site where the land has already been cleared to avoid habitat fragmentation.
g) Security Measures. Large scale solar photovoltaic installations shall be secured with a seven (7) foot high fence constructed to prevent unauthorized persons from accessing the large scale solar photovoltaic installation.
h) Signs. The owner/operator shall install signs at the large scale solar photovoltaic installation as determined by the Board of Selectmen. in order to protect public safety.
i) Emergency Access. Large scale solar photovoltaic installations and access roads shall be constructed and maintained to allow for safe access by emergency vehicles.
j) Emergency Response Plan. Upon the request of the fire chief or police chief, the owner/operator of the large scale solar photovoltaic installation shall cooperate with all local public safety officials to develop and occasionally update an emergency response plan.
k) Underground Utilities. All on-site utilities shall be located underground except where the utilities connect into the electric grid at the property boundary.

8. Filing Requirements. Applicants seeking to construct or modify a large scale solar photovoltaic installation shall submit seven (7) copies of the following information to the Planning Board. All maps to be submitted must be drawn at appropriate scales and be signed by a registered professional engineer or licensed surveyor. The Board of Selectmen may, in its discretion, waive any of the filing requirements.

a) Contact Information. Provide the applicant's and property owner's name, address, phone number, email address, and signature.
b) Site Identification. Provide the address and the map, lot and block number of the proposed site.
c) Site Plans. Provide site plans showing the following information:
    (1) Property lines of the proposed site.
    (2) Elevation contour lines at two-foot vertical intervals.
    (3) Outlines of all existing and proposed buildings and structures on the proposed site, including distances from the proposed large scale solar photovoltaic installation.
    (4) Existing and proposed access roads, driveways, public ways, private ways, and recreational trails on the proposed site.

(5) Detailed layout of the proposed large scale solar photovoltaic installation, including but not limited to panel mounts, foundations, appurtenant equipment and fencing.
(6) Detailed layout of the electric infrastructure to connect the large scale solar photovoltaic installation to the electric grid or net metering equipment.
(7) Delineation of all wetland resources and associated buffer areas.
(8) Locations of rare threatened or endangered species existing on the site.
(9) Proposed changes to the site, including grading, cut and fill, landscaping, native vegetation for screening and vegetation to be removed or altered.
(10) Engineering controls at the site and on the access road to control erosion and sedimentation both during construction and after construction as a permanent measure. Such engineering controls shall conform to the Massachusetts Department of Environmental Protection's Stormwater Policy.

d) Technical Information. Provide the following information:

(1) Blueprints or drawings of the large scale solar photovoltaic installation signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the installation and any potential shading from nearby trees or structures.
(2) One or three line electrical diagram detailing the solar photovoltaic installation, appurtenant equipment and electrical interconnection methods with all National Electric Code compliant devices.
(3) Documentation of the major large scale solar photovoltaic installation components to be used, including but not limited to solar photovoltaic panels, panel mounts and inverter.

9. Technical Review. Upon receipt of an application for a large scale solar photovoltaic installation, the Board of Selectmen may engage professional and technical consultants, at the applicant's expense, pursuant to M.G.L. Chapter 44 § 53G to assist the Board of Selectmen with its review of application materials. The Board of Selectmen may direct the applicant to deposit funds with the Board of Selectmen for such review at the time the application is accepted and to add additional funds as needed upon notice. Failure to comply with this section shall be good grounds for denying the special permit application. Upon the approval or denial of the application, any excess amounts in the account attributable to the application process, including any interest accrued shall be refunded to the applicant.

10. Abandonment & Removal.

a) A large scale solar photovoltaic installation shall be deemed abandoned when the large scale solar photovoltaic installation has not been in operation for a period of twelve (12) months.

b) After twelve (12) months of non-operation, the Building Inspector shall provide written notification to the owner/operator that such large scale solar photovoltaic installation is presumed to be abandoned. The owner/operator has thirty (30) days to rebut the presumption of abandonment by submitting evidence to the Building Inspector that the large scale solar photovoltaic installation has been in operation during the relevant twelve (12) month period.

c) If the owner/operator does not respond within the thirty (30) day appeal period or does not submit evidence that, in the discretion of the Building Inspector, proves that the large scale solar photovoltaic installation has been in operation for the relevant twelve (12) month period, then the large scale solar photovoltaic installation shall be deemed abandoned. The Building Inspector shall provide written notification of abandonment to the owner/operator.

d) The owner/operator of the large scale solar photovoltaic installation shall remove the large scale solar photovoltaic installation and restore the site within one-hundred eighty (180) days of the date of the written notification of abandonment. If the owner/operator fails to remove the large scale solar photovoltaic installation within one-hundred eighty (180) days, the Town shall have the right, to the extent it is duly authorized by law, to enter onto the proposed site and physically remove the large scale solar photovoltaic installation and restore the site at the sole expense of the owner/operator.